

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

SEDRICK JEROME HODGE,

Petitioner,

v.

DANNIE THOMPSON,

Respondent.

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CASE NO.: 1:10-cv-113 (WLS)

**ORDER**

Pending before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed April 20, 2011. (Doc. 14). It is recommended that Petitioner's federal habeas corpus petition, filed pursuant to 28 U.S.C. § 2254 (*see* Doc. 3), be dismissed pursuant to Respondent's Motion to Dismiss as Untimely and/or for Lack of Exhaustion (Doc. 10). (Doc. 14 at 1, 2). The Report and Recommendation provided the Parties with fourteen days<sup>1</sup> from the date of its service to file written objections to the recommendations therein. (Doc. 14 at 2). The period for filing objections expired on Monday, May 9, 2011, and no objections have been filed to date.<sup>2</sup> (*See* Docket).

In view of the absence of any objections from the record of this case and the Court's consideration of the record as a whole, United States Magistrate Judge Langstaff's April 20, 2011 Report and Recommendation (Doc. 14) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly,

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<sup>1</sup> The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

<sup>2</sup> Because the actual deadline for filing objections—Saturday, May 7, 2011—fell on a legal holiday, the deadline was extended to Monday, May 9, 2011. *See* Fed. R. Civ. P. 6(a)(1)(C).

Respondent's Motion to Dismiss (Doc. 10) is **GRANTED**, and Petitioner's federal habeas corpus petition, brought pursuant to 28 U.S.C. § 2254 (Doc. 3), is **DISMISSED**. The Court further **DENIES** Petitioner a certificate of appealability, as Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

**SO ORDERED**, this 29<sup>th</sup> day of July 2011.

/s/ W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**